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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YOSHINORI MATSUMOTO

: EXAMINER: BATTAGLIA, M. V.

SERIAL NO: 09/957,484

:

FILED: SEPTEMBER 20, 2001

: GROUP ART UNIT: 2627

FOR: RECORDING AND PLAYBACK
APPARATUS, RECORDING AND
PLAYBACK METHOD AND
RECORDING MEDIUM

:

DECLARATION UNDER 37 C.F.R. § 1.131

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

I, Yoshinori Matsumoto, hereby declare and state as follows:

1. This declaration is submitted as evidence that the subject matter claimed in the above identified application was invented by the present inventor prior to September 19, 2000.
2. I am the person named as inventor in the above identified application.
3. Prior to September 19, 2000, I conceived and reduced to practice in Japan the invention claimed in the above identified application.
4. Prior to September 19, 2000, I carried out or had carried out under my direct supervision a reduction to practice of a recording and playback apparatus including a judgment mechanism to determine whether or not to correct focus precision when recording data onto an Nth track of a recording medium or playing back data from the Nth track, a computing mechanism to compute a performance function value on a jitter value or

amplitude of an RF signal obtained from an already recorded track different than the Nth track, and a correction mechanism to correct the focus precision if the judgment mechanism determines to correct the focus precision in the recording data onto the Nth track of the recording medium or playing back data from the Nth track, the correction mechanism operating to correct the focus precision by using the performance function value, and methods therefore.

5. That Exhibit 1 is a copy of the original Japanese Invention Report, dates having been deleted therefrom prior to preparing the copy.

6. That Exhibit 2 is a translation of the above Japanese Invention Report including a certification by the translator. The dates on the translation of the Invention Report have been deleted therefrom,

7. That the work described in Exhibits 1 and 2 may be summarized as follows: an optical disk recording and reproduction apparatus capable of recording digital data such as a sound and an image onto an optical disk and reproducing such data from the disk is characterized in that the optical disk recording and reproduction apparatus has a mechanism capable of recording and reproducing data accurately without losing the real time property of the recording and reproduction operations by carrying out a focused correction process making use of a post recording slide reproduction RF signal to eliminate offset variations.

8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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Date

January 16, 2007

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